

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

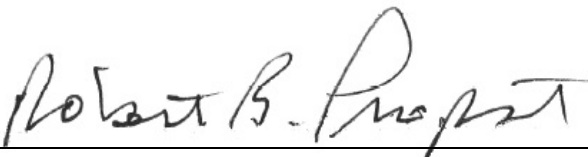
THOMAS NEALIE TOLBERT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:05-cv-02184-RBP-HGD
	)	
SHERIFF LARRY AMERSON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on March 14, 2006, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant 28 U.S.C. § 1915A(b)(1). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and hereby is ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DATED this 2<sup>nd</sup> day May, 2006.

  
\_\_\_\_\_  
**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**